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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/936,712

02/07/2002

Shuji Arakawa

VX012357 PCT

9001

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7590

03/10/2006

POSZ LAW GROUP, PLC
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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/936,712	ARAKAWA ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38,40,46,47,52 and 53 is/are allowed.
- 6) ☒ Claim(s) 37, 39, 41-45, 48-51 and 54-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11-28-2005 have been fully considered but they are not persuasive.

1. A new examiner, Stephen D'Agosta, has been assigned this case.

2. The applicant argues, for several claims, that vehicle-to-vehicle communications is not taught. The examiner notes that all the different prior art cited for this claim limitation typical discloses several types of communications, ie. cellular, radio, satcomm, etc.. Hence the infrastructure for vehicle-to-vehicle is provided and the operators need only address a message to another operator.

3. The applicant argues that construction machine management is not taught. The examiner notes that the communications systems disclosed by the prior art all deal with communications to/from a "vehicle" which can be broadly interpreted as a construction vehicle. If the applicant believes the differences between the fleet vehicles and construction vehicles is too disparate, a **restriction** will be required since the previous examiner did not search specifically for construction applications.

4. For claim 41, the applicant argues that "communication progression" is not disclosed. The examiner disagrees since Wooten shows a router program (figure 3, #61). Router programs, eg. similar to TCP/IP routers, can trace data packets through a network using commands such as "traceroute" – the progression is viewed on the display.

5. Certain arguments made relating to "construction" were not found in the claim specified. These arguments have been ignored.

6. The applicant argues that “management area(s)” are not disclosed. The examiner disagrees since Prabhakaran teaches fleet management and location determination via GPS (see figure 1 and figure 3 GPS receiver). These programs would allow a dispatcher to know if a vehicle is inside/outside typical delivery areas.

7. The applicant argues (for several claims) that various engine parameters are not disclosed. The examiner disagrees since the prior art of record, eg. Dickrell, teaches many engine parameters that are measured/monitored. One skilled would use Dickrell’s disclosure to also provide for monitoring when an engine was started, how much travel distance is remaining based on fuel, voltage levels, etc.. Also, “idiot lights” are well known in the art which display engine parameters.

8. The applicant argues the combination of art for claim 48. The examiner believes the combination to be correct since the art is from the same field of endeavor and combines to solve the problem disclosed by the claim limitation.

9. The applicant argues the Official Notice regarding a portable terminal yet does not specifically state WHY they do not believe portable terminals used in vehicles/trucks are well known. **The examiner puts forth Ross et al. (US 5,594,953) who teaches a mobile communicator system that is a portable device/computer used in the truck.** Also made of record, but not used for the rejection, is Boos et al. (US 6,240,486) who teaches a generic stand for securing portable computers in vehicles.

10. The examiner believes an amendment to each rejected independent claim stating the following would provide a more favorable outcome:

“..the input terminal including display means.....the display means including means for altering a display mode of the display means based on BOTH communication progression between the plurality of terminals and the plurality of mobile vehicles AND an elapsed of time since a last data request was input from the plurality of terminals to the plurality of mobile vehicles....”

11. The previous Office Action is not attached. If the applicant requires it to be retransmitted, please contact the examiner at the number below.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

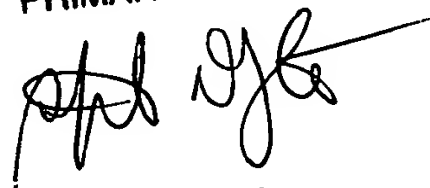
1. Boos et al. US 6,260,486.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA
PRIMARY EXAMINER



2-22-06